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Francis C. Hand  
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**Art Unit 3711**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Sebastiano Passaniti  
Applicants: Frank Thomas  
Serial No: 09/845,280  
Filed: April 30, 2001  
TITLE: A Golf Club Having An Alignment Device Thereon Customer No:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL REJECTION**

Sir:

This is in response to the Final Rejection dated March 19, 2004.

**Remarks**

Claims 1 to 27 are in this application.

Claims 5 to 25 have been allowed.

Claims 1 to 4 stand rejected on the grounds of *Res Judicata* in view of the Board of Patent Appeals and Interference decision dated August 15, 2003.

Claims 26 and 27 have been rejected as being unpatentable over Reach in view of JP No. 405329233 (Seisaku).

Based upon the facts established in the attached Declaration of Ralph D. Maltby, the rejections of claims 1 to 4 and 26 to 27 are not warranted pursuant to the provisions of 35 USC 103. Specifically, the Declaration of Mr. Maltby provides new evidence that the rejection of claims 1 to 4 as being unpatentable over Reach in view of Seisaku and the rejection of claims 26 and 27 as being unpatentable over Reach in view of Seisaku are not warranted under the provisions of 35 USC 103.

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